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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/887,873	Applicant(s) BERGMAN ET AL.	
	Examiner William L. Bashore	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/30/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1 This action is responsive to communications: RCE and amendment filed 12/21/2006, to the original application filed **June 22, 2001**. IDS filed 11/30/2006.

2. Claims 1-39 pending. Claims 1, 8, 12, 14, 21, 25, 27, 34, 38 are independent.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/2006 has been entered.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **The claimed invention (as claimed in claims 27-39) is directed to non-statutory subject matter.**

In regard to independent claims 27, 34, 38, each of said claims recite a computer usable medium.

Since Applicant's Specification recites mediums in the form of non-tangible "carrier waves" (see at least Specification page 20 line 16, page 22 lines 14, 24), said claims are directed to non-statutory subject matter.

In regard to dependent claims 28-33, 35-37, 39, said claims are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Excel 2000 (hereinafter Excel 2000), 1999 Microsoft Corporation, screenshots from application pages 1-24).**

In regard to independent claim 1, Excel 2000 discloses a spreadsheet program as shown on Excel 2000 pages 1 and 2. Cell C1 has been customized to include a typical (editable) formula for holding the result of summing cells A1 and B1 (Excel 2000 pages 2 and 3). Page 3 shows cell C1 (designated as a first cell) activated into edit mode. While in edit mode, a user selects cell B3 (designated as a second cell) in response to a user mouse click.

Subsequent to a user's determination that cell B3 should not be entered into the first cell's formula (i.e. does not conform to a predetermined syntax), the "X" box is depressed, which cancels the action, reverting cell C1's formula back to the current state (Excel 2000 pages 5 and 6). If said user determines that said reference does conform to a predetermined syntax, then the reference is entered into the first cell's formula.

Excel 2000 discloses a user activating cell B3, after the editing process as explained above (Excel 2000 page 7).

In addition, Excel also teaches a scenario whereby a formula is entered into cell C1 (see Excel 2000 page 21), said cell C1 currently in edit mode, and is also activated. A user then selects cell B1 (Excel 2000 page 22). Pursuant to depression of the ENTER key, Excel automatically determines that the inclusion of cell B1 in

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the formula of cell C1 would not conform to the predetermined syntax of the formula MOD function. Since division by zero is illegal, part of the accepted syntax (or rules governing MOD's statement structure/content via operators and operands) is that the divisor is not zero (see Excel 2000 page 24). The result of this is Excel 2000 page 23, which automatically shows a division by zero error, at the same time terminating formula editing of cell C1.

Regarding Excel 2000 pages 22-23, it is additionally noted that cell C1 comprises a MOD function referencing cells A1 and B1. Excel's MOD function has a predetermined syntax involving division of numerator and denominator. There exists a rule within a MOD function that the denominator is not equal to zero. In the instant case, Excel has automatically determined that the MOD function's predetermined syntax as shown will not accept referenced cell B1, since in doing so results in division by zero. Although cell B1 is still technically referenced within the active cell (present during edit mode), nevertheless, Excel's "#DIV/0!" warning and halting of editing makes it clear that cell B1 is not acceptable within the formula, with said warning present until corrected, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Excel to extend this warning in edit (active) mode as well, facilitating correct input.

Excel 2000 also discloses a validation method whereby various restrictions can be applied to cells (i.e. referring to other cells, formulas, etc.), once set, said restrictions can be automatically applied to all relevant cells in a workbook session accordingly (see Excel 2000 pages 16-19).

In regard to dependent claim 2, Excel 2000 discloses display of a formula toolbar when a formula is edited (Excel 2000 page 8 – drop down menu, also “X” and “+ “ buttons, and input block).

In regard to dependent claim 3, Excel 2000 discloses closing display of a formula toolbar when a formula is out of editing mode (Excel 2000 page 10 – drop down menu, also elimination of “X” and “+ “ buttons).

In regard to dependent claims 4, 5, 6, Excel 2000 discloses upon selection of a function (i.e. Insert, Function, select “IF” from top menu), a dialog opens and a mathematical operator “=” is added to an otherwise blank formula (Excel 2000 page 9). Excel 2000 also discloses function toolbar (drop down menu) operator “IF”, “SUM” etc. Excel 2000 page 8).

In regard to dependent claim 7, Excel 2000 teaches if a user wishes, he/she can select the “+ “ button, therefore entering cell reference B3 to the formula in the first cell (Excel 2000 pages 5, 11 respectively). A user can also delete said reference formula accordingly, if necessary.

In regard to independent claim 8, Excel 2000 discloses a spreadsheet program as shown on Excel 2000 pages 1 and 2. Cell C1 has been customized to include a typical (editable) formula for holding the result of summing cells A1 and B1 (Excel 2000 pages 2 and 3).

Excel 2000 discloses a user initially selecting cells C1 and C2 (as a cell group) (Excel 2000 pages 12, 13). Although two cells are initially selected, each cell can then be individually selected for editing via toggling using “ENTER” key, in this case cell C2.

Excel 2000 page 12 shows cell C2 activated into edit mode, with the knowledge that cell C1 (also selected) contains an existing formula, as explained above.

In addition, Excel 2000 discloses a spreadsheet program as shown on Excel 2000 pages 1 and 2. Cell C1 has been customized to include a typical (editable) formula for holding the result of summing cells A1 and B1 (Excel 2000 pages 2 and 3). Page 3 shows cell C1 (designated as a first cell) activated into edit mode. While in edit mode, a user selects cell B3 (designated as a second cell) in response to a user mouse click.

Subsequent to a user’s determination that cell B3 should not be entered into the first cell’s formula (i.e. does not conform to a predetermined syntax), the “X” box is depressed, which cancels the action, reverting cell C1’s formula back to the current state (Excel 2000 pages 5 and 6). If said user determines that said reference does conform to a predetermined syntax, then the reference is entered into the first cell’s formula.

Excel 2000 discloses a user activating cell B3, after the editing process as explained above (Excel 2000 page 7).

In addition, Excel also teaches a scenario whereby a formula is entered into cell C1 (see Excell 2000 page 21), said cell C1 currently in edit mode, and is also activated. A user then selects cell B1 (Excel 2000 page 22). Pursuant to depression of the ENTER key, Excel automatically determines that the inclusion of cell B1 in the formula of cell C1 would not conform to the predetermined syntax of the formula MOD function. Since division by zero is illegal, part of the accepted syntax (or rules governing MOD's statement structure/content via operators and operands) is that the divisor is not zero (see Excel 2000 page 24). The result of this is Excel 2000 page 23, which automatically shows a division by zero error, at the same time terminating formula editing of cell C1.

Regarding Excel 2000 pages 22-23, it is additionally noted that cell C1 comprises a MOD function referencing cells A1 and B1. Excel's MOD function has a predetermined syntax involving division of numerator and denominator. There exists a rule within a MOD function that the denominator is not equal to zero. In the instant case, Excel has automatically determined that the MOD function's predetermined syntax as shown will not accept referenced cell B1, since in doing so results in division by zero. Although cell B1 is still technically referenced within the active cell (present during edit mode), nevertheless, Excel's "#DIV/0!" warning and halting of editing makes it clear that cell B1 is not acceptable within the formula, with said warning present until corrected, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Excel to extend this warning in edit (active) mode as well, facilitating correct input.

Excel 2000 discloses a validation method whereby various restrictions can be applied to cells (i.e. referring to other cells, formulas, etc.), once set, said restrictions can be automatically applied to all relevant cells in a workbook session accordingly (see Excel 2000 pages 16-19).

In regard to dependent claim 9, Excel 2000 discloses display of a formula toolbar when a formula is edited (Excel 2000 page 8 – drop down menu, also “X” and “+ “ buttons, and input block).

In regard to dependent claim 10, Excel 2000 discloses that double clicking in a cell (or in the input bar) initiates formula editing.

In regard to dependent claim 11, Excel 2000 discloses display of a formula toolbar when a formula is edited (Excel 2000 page 8 – drop down menu, also “X” and “+ “ buttons, and input block).

In regard to independent claim 12, Excel 2000 discloses a spreadsheet program as shown on Excel 2000 pages 1 and 2. Cell C1 has been customized to include a typical (editable) formula for holding the result of summing cells A1 and B1 (Excel 2000 pages 2 and 3). Page 3 shows cell C1 activated into a formula entry area (edit mode). While in edit mode, a user selects cell B3 in response to a user mouse click (user input). It is noted that selection of cell B3 initially adds “B3” to the formula.

Subsequent to a user’s determination that cell B3 should not be entered into the first cell’s formula (i.e. does not conform to a predetermined syntax), the “X” box is depressed, which cancels the action, reverting cell C1’s formula back to the current state (Excel 2000 pages 5 and 6). If said user determines that said reference does conform to a predetermined syntax, then the reference is entered into the first cell’s formula.

In addition, Excel also teaches a scenario whereby a formula is entered into cell C1 (see Excell 2000 page 21), said cell C1 currently in edit mode, and is also activated. A user then selects cell B1 (Excel 2000 page 22). Pursuant to depression of the ENTER key, Excel automatically determines that the inclusion of cell B1 in the formula of cell C1 would not conform to the predetermined syntax of the formula MOD function. Since division by zero is illegal, part of the accepted syntax (or rules governing MOD’s statement structure/content via operators and operands) is that the divisor is not zero (see Excel 2000 page 24). The result of this is Excel 2000 page 23, which automatically shows a division by zero error, at the same time terminating formula editing of cell C1.

Regarding Excel 2000 pages 22-23, it is additionally noted that cell C1 comprises a MOD function referencing cells A1 and B1. Excel's MOD function has a predetermined syntax involving division of numerator and denominator. There exists a rule within a MOD function that the denominator is not equal to zero. In the instant case, Excel has automatically determined that the MOD function's predetermined syntax as shown will not accept referenced cell B1, since in doing so results in division by zero. Although cell B1 is still technically referenced within the active cell (present during edit mode), nevertheless, Excel's "#DIV/0!" warning and halting of editing makes it clear that cell B1 is not acceptable within the formula, with said warning present until corrected, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Excel to extend this warning in edit (active) mode as well, facilitating correct input.

Excel 2000 discloses a validation method whereby various restrictions can be applied to cells (i.e. referring to other cells, formulas, etc.), once set, said restrictions can be automatically applied to all relevant cells in a workbook session accordingly (see Excel 2000 pages 16-19).

In regard to dependent claim 13, Excel 2000 discloses additional functions which can be added to a formula, including "DATE", which is a form of search query, since it searches and returns a date-time code (Excel 2000 page 14).

In regard to independent claim 14, claim 14 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

During interaction with Excel 200, a user can determine syntax conformity accordingly. Alternatively, Excel 2000 provides various auditing tools to (automatically) visually trace errors (i.e. conformity errors, etc.) as well as automatically circle invalid data etc.

In addition, Excel also teaches a scenario whereby a formula is entered into cell C1 (see Excel 2000 page 21), said cell C1 currently in edit mode, and is also activated. A user then selects cell B1 (Excel 2000 page

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22). Pursuant to depression of the ENTER key, Excel automatically determines that the inclusion of cell B1 in the formula of cell C1 would not conform to the predetermined syntax of the formula MOD function. Since division by zero is illegal, part of the accepted syntax (or rules governing MOD's statement structure/content via operators and operands) is that the divisor is not zero (see Excel 2000 page 24). The result of this is Excel 2000 page 23, which automatically shows a division by zero error, at the same time terminating formula editing of cell C1.

Regarding Excel 2000 pages 22-23, it is additionally noted that cell C1 comprises a MOD function referencing cells A1 and B1. Excel's MOD function has a predetermined syntax involving division of numerator and denominator. There exists a rule within a MOD function that the denominator is not equal to zero. In the instant case, Excel has automatically determined that the MOD function's predetermined syntax as shown will not accept referenced cell B1, since in doing so results in division by zero. Although cell B1 is still technically referenced within the active cell (present during edit mode), nevertheless, Excel's "#DIV/0!" warning and halting of editing makes it clear that cell B1 is not acceptable within the formula, with said warning present until corrected, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Excel to extend this warning in edit (active) mode as well, facilitating correct input.

In addition, Excel 2000 discloses a validation method whereby various restrictions can be applied to cells (i.e. referring to other cells, formulas, etc.), once set, said restrictions can be automatically applied to all relevant cells in a workbook session accordingly (see Excel 2000 pages 16-19).

In regard to dependent claims 15-20, claims 15-20 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 2-7 respectively, and are rejected along the same rationale.

In regard to independent claim 21, claim 21 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 8, and in further view of the following, is rejected along the same rationale.

During interaction with Excel 200, a user can determine syntax conformity accordingly. Alternatively, Excel 2000 provides various auditing tools to (automatically) visually trace errors (i.e. conformity errors, etc.) as well as automatically circle invalid data etc.

In addition, Excel 2000 discloses a validation method whereby various restrictions can be applied to cells (i.e. referring to other cells, formulas, etc.), once set, said restrictions can be automatically applied to all relevant cells in a workbook session accordingly (see Excel 2000 pages 16-19; compare with claim 21 "*wherein the determiner is embodied in a computing device*").

In addition, Excel also teaches a scenario whereby a formula is entered into cell C1 (see Excel 2000 page 21), said cell C1 currently in edit mode, and is also activated. A user then selects cell B1 (Excel 2000 page 22). Pursuant to depression of the ENTER key, Excel automatically determines that the inclusion of cell B1 in the formula of cell C1 would not conform to the predetermined syntax of the formula MOD function. Since division by zero is illegal, part of the accepted syntax (or rules governing MOD's statement structure/content via operators and operands) is that the divisor is not zero (see Excel 2000 page 24). The result of this is Excel 2000 page 23, which automatically shows a division by zero error, at the same time terminating formula editing of cell C1.

Regarding Excel 2000 pages 22-23, it is additionally noted that cell C1 comprises a MOD function referencing cells A1 and B1. Excel's MOD function has a predetermined syntax involving division of numerator and denominator. There exists a rule within a MOD function that the denominator is not equal to zero. In the instant case, Excel has automatically determined that the MOD function's predetermined syntax as shown will not accept referenced cell B1, since in doing so results in division by zero. Although cell B1 is still technically referenced within the active cell (present during edit mode), nevertheless, Excel's "#DIV/0!" warning and halting of editing makes it clear that cell B1 is not acceptable within the formula, with said warning present until

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corrected, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Excel to extend this warning in edit (active) mode as well, facilitating correct input.

In regard to dependent claims 22-24, claims 22-24 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 9-11 respectively, and are rejected along the same rationale.

In regard to independent claim 25, claim 25 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 12, and in further view of the following, is rejected along the same rationale.

During interaction with Excel 200, a user can determine syntax conformity accordingly. Alternatively, Excel 2000 provides various auditing tools to (automatically) visually trace errors (i.e. conformity errors, etc.) as well as automatically circle invalid data etc.

In addition, Excel 2000 discloses a validation method whereby various restrictions can be applied to cells (i.e. referring to other cells, formulas, etc.), once set, said restrictions can be automatically applied to all relevant cells in a workbook session accordingly (see Excel 2000 pages 16-19; compare with claim 25 "*wherein the determiner is embodied in a computing device*").

In addition, Excel also teaches a scenario whereby a formula is entered into cell C1 (see Excel 2000 page 21), said cell C1 currently in edit mode, and is also activated. A user then selects cell B1 (Excel 2000 page 22). Pursuant to depression of the ENTER key, Excel automatically determines that the inclusion of cell B1 in the formula of cell C1 would not conform to the predetermined syntax of the formula MOD function. Since division by zero is illegal, part of the accepted syntax (or rules governing MOD's statement structure/content via operators and operands) is that the divisor is not zero (see Excel 2000 page 24). The result of this is Excel 2000 page 23, which automatically shows a division by zero error, at the same time terminating formula editing of cell C1.

Regarding Excel 2000 pages 22-23, it is additionally noted that cell C1 comprises a MOD function referencing cells A1 and B1. Excel's MOD function has a predetermined syntax involving division of numerator and denominator. There exists a rule within a MOD function that the denominator is not equal to zero. In the instant case, Excel has automatically determined that the MOD function's predetermined syntax as shown will not accept referenced cell B1, since in doing so results in division by zero. Although cell B1 is still technically referenced within the active cell (present during edit mode), nevertheless, Excel's "#DIV/0!" warning and halting of editing makes it clear that cell B1 is not acceptable within the formula, with said warning present until corrected, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Excel to extend this warning in edit (active) mode as well, facilitating correct input.

In regard to dependent claims 26, claim 26 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 13, and is rejected along the same rationale.

In regard to independent claim 27, claim 27 reflects the computer program product comprising computer executable instructions for implementing the methods as claimed in claim 14, and is rejected along the same rationale.

In regard to dependent claims 28-33, claims 28-33 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 15-20 respectively, and are rejected along the same rationale.

In regard to independent claim 34, claim 34 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 8, and is rejected along the same rationale.

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In regard to dependent claims 35-37, claims 35-37 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 9-11 respectively, and are rejected along the same rationale.

In regard to independent claim 38, claim 38 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 12, and is rejected along the same rationale.

In regard to dependent claims 39, claim 39 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 13, and is rejected along the same rationale.

Response to Arguments

8. Applicant's arguments filed 12/21/2006 have been fully and carefully considered but they are not persuasive.

The examiner has made a new ground of rejection, rendering the determination of allowable syntax in an active portion of a cell as obvious. In addition, the examiner respectfully maintains that a DATE function is a form of query for the reason set forth in the instant rejection above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Bashore

**WILLIAM BASHORE
PRIMARY EXAMINER**

March 17, 2007